

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
) No. 22 CR 472
v.)
) Hon. Judge John J. Tharp Jr.
JAMES SAJDAK)

NOTICE OF FILING

TO: United States Attorney
 Alexandra Morgan
 Erika Csicsila
 219 South Dearborn Street 5th Floor
 Chicago, IL 60604
 Alexandra.morgan@usdoj.gov
 Erika.csicsila@usdaj.gov

On February 8, 2024, the attorney for the defendant James Sajdak did file with the Court the attached Defendant's Sentencing Memorandum, a copy of which is hereby served upon you.

Gottreich, Grace & Thompson
Timothy M. Grace
311 West Superior Street Suite 215
Chicago, IL 60654
312-943-0600

PROOF OF SERVICE

I, the undersigned, an attorney, certify that I served this Notice and by deposited said motion in the United States mail on February 8, 2024 and by electronic means.

\S\ Timothy M. Grace
Timothy M. Grace

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
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JAMES SAJDAK)

DEFENDANT'S SENTENCING MEMORANDUM

James Sajdak entered a plea of guilty to a one-count amended indictment to the charge of willfully depriving Victim A of her right to bodily integrity, which includes the right to be free from sexual assault by a person acting under color of law. The amended charge is to a misdemeanor that is eligible for a period of probation and up to one year in federal custody of the Bureau of Prisons. The United States Probation Department has submitted a pre-sentence investigation (PSI) with a recommendation of a 12 month prison sentence (the maximum allowed by law), participation in a sex offender treatment program, a \$10,000.00 fine and other conditions. While the defendant does agree with advisory guideline calculation, he does take exception to the overall recommendation. As will be specifically argued below, the defendant believes a period of probation is an appropriate disposition in this case.

I. PERTINENT FACTS ASSOCIATED WITH THE CASE

The defendant has pleaded to and accepted the facts that are delineated in the Plea Agreement. James has taken responsibility for his actions and does not dispute the facts. However, while he agrees to the facts in the Pleas Agreement, he does wish to note certain facts that are also true and established by the record. The purpose of this section

of the brief is not to contradict any of the already agreed upon facts but to ensure the court is made aware of all the important facts that are found in the discovery offered for a full understanding to the reduced charge of a misdemeanor.

James Sajdak was a member of the Chicago Police Department and worked in the 011th District on the westside of the City. On March 5, 2019 he was working alone, commonly referred to as a “99 Car” and on patrol in the district. The area of the incident is an area with a high level of prostitution. AF stated to the FBI that she was walking in the area of 5th Avenue and her “boyfriend/common law husband” was about a quarter of a block away. AF stated that she had never been “picked up” in a blue and white car and when she saw the police vehicle she informed her “boyfriend/common law husband” to record the interaction. No recording was ever produced. The remainder of the events is relatively consistent with the Plea Agreement however AF does state that Sajdak did attempt to pay her by offering her “maybe \$20 or \$40” but she claims she did not accept it. AF further claims that Sajdak requested and she gave him her phone number. AF claims that Sajdak forced her to perform oral sex on him and that upon completion after she exited the vehicle, she immediately found a “little cup” and she spit the semen into the cup. AF then went immediately to the hospital and provided the sample to the hospital personal.

Yuriy Reznik, a nurse from Rush Hospital, was interviewed and he told the FBI that AF came into the hospital and complained of a sexual assault. AF told him that a police officer had forced her to perform oral sex on him and provided the biological sample. At one point AF stated that she “needed to make a call” and then left the hospital. AF has been arrested over 20 times and is a three time convicted felon. AF

hired an attorney and filed a federal civil rights lawsuit naming the City of Chicago and Sajdak. The matter settled and Sajdak paid \$50,000.00 in damages. There is no allegation that Sajdak's service weapon was deployed, used or indicated in any of the discovery received.

I. MITIGATION

James is 65 years old and was born in the southwest side of the City of Chicago in the Garfield Park/Clearing neighborhood. As the PSI states he reported a normal and happy childhood having loving parents and siblings. James attended Richard J. Daley College and received an associates degree. He then made the determination that he wanted a career in law enforcement.

James had a storied career as a Chicago Police Officer. He was appointed a Chicago Police Officer on 26 December 1989 and attended the Chicago Police Academy. After he successfully graduated from the training academy, he as was assigned to 10 weeks of training to the 010th District which is located in the near west and south portion of the City of Chicago. After that we assigned to the 011th District located at Harrison and Kedzie and policed the west side of Chicago. He first was assigned to the patrol division and then became a tactical officer. He was promoted to the rank of sergeant in November of 2012. Initially he supervised 001th District patrol officers and then was the sergeant of an 011th District tactical team. Chicago Police tactical teams are assigned to an entire district and as opposed to answering calls for service they engage in proactive policing targeting problem areas, disrupting gang and narcotics activity and backing up other units throughout the district. James has received 149 awards as a member of the Chicago Police Department. [Exhibit F]. He has earned the Superintendent's Award of Valor

when he and his partner engaged in a gun battle with an armed offender who was wanted for attempted first degree murder. The Superintendent's Award of Valor is one of the highest medals given and is awarded to "Sworn Department Members for an act of outstanding bravery or heroism by which the member has demonstrated in great degree the characteristics of selflessness, personal courage and devotion to duty." After over 30 years as a police officer James retired.

James has been married for approximately 34 years to his wife. They own their own home in the southwest side of Chicago and raised their four children there. Education was important and all four have attended college. His oldest daughter graduated from Aurora University and is a behavior therapist where she treats children with autism. They have twin daughters, one having graduated from the University of Alabama and the second from Marquette University. They have a son who is currently in his first year at Moraine Valley Community College in the EMT program with hopes of becoming a firefighter. As the PSI reveals, James and his wife have agreed to co-sign on 11 federal student loans totally over \$170,000.00 as guarantors to ensure their children can become college educated. He has no grandchildren but looks forward to that moment in life.

In the attached exhibits A – E, James' family articulate the type of husband, father and sibling he has been throughout his life. His daughter Catherine speaks of the type of father he is. She states he is a father who always sacrificed for his children and worked long hours to do so. She talks of the difficult ordeal of being a young child of a law enforcement officer and waiting up late for him to safely come home. Jim's sister , Sharon, speaks of the danger any law enforcement officer will face if sentenced to prison and while acknowledging the mistake he made, points out the good he has done. We

learn from these letters that James has four successful children one daughter who works with special needs children, one a teacher at a Catholic school, a third who is getting her master's degree and young son who is currently studying to become a Chicago Firefighter. The love and concern these letters express speak for themselves.

Since the time that the charges became apparent, James has sought treatment for the mental health issues that arise in these types of cases. He has sought treatment from Dr. Robert Sobo who stated that he has in fact treated James to manage the anxiety and would continue to do so. It appears based upon the PTI that an important part of the treatment rests with the termination of this stage of the case. To be clear, the record is void, and James acknowledges, that he has no significant mental health afflictions having no suicidal ideations or hallucinations of any kind. He reports a normal sexual history and very little alcohol consumption with no drug use. This case is his first arrest. James has complied with all of his conditions of bond, cooperated in all aspects of this case and as evident by his plea has accepted responsibility for his actions.

II. ARGUMENT FOR PROBATION

The PSI engages in a very comprehensive analysis of a guideline recommendation as though the original indicted charges are still applicable. The PSI recommends that James be sentenced to the maximum penalty which is 12 months in custody. The PSI is correct with its calculations yet fails to recognize the limit of the plea agreement. While James is not eligible for probation under the Federal Sentencing Guidelines, the statute does allow for a probation sentence in this case. As this Court is aware, pursuant to *United States v. Booker*, 543 U.S. 220, 125 S.Ct. 738, 160 L. Ed. 2d 621 (2005), the guidelines

are merely advisory. As such, James respectfully requests that this Court consider 18 U.S.C. § 3553(a) and deviate below the guidelines in setting his sentence.

Under 3553(a)(1) the Court must first consider the nature and circumstances of the offense which have been discussed above in this memorandum. The section also requires the Court to consider the history and characteristics of James. Up until this case, James, lived his life according to the oaths he has taken. The conduct James engaged in, even though it is a misdemeanor, is reprehensible and to that James agrees. As he will tell the Court in allocution, he has nobody to blame but himself. He placed his own personal impulses over his duties not only as a law-abiding citizen but over the law he swore to uphold. To this he has, and will continue to be, punished. He retired with shame from the Chicago Police Department and is considered a pariah and an embarrassment to all law enforcement. His has defaced the very badge he wore and to that end should be punished.

Many have said that “no man walks alone in this world” and unfortunately the acts of a single person have a profound and sobering effect on the family in addition to the individual himself. It is clear that Jame’s own actions have placed him before this Court and he has no person or entity to cast the blame to but himself. To this end, James has not. His arrest has not only humiliated himself but his wife and young adult children. James must live with that. James did take responsibility for his crime. Some may call this an act of survival, but James views it as an act of contrition. As this court can readily grasp from the Presentence Investigation, James has spent his entire life without coming in contact with the criminal justice system, He is not seeking to diminish his conduct, because he is in fact guilty, but he does ask for mercy. James had led a crime-free life

and his acts were an aberration from the normal and customary manner in which he has conducted himself as a citizen. He has lost a significant amount of money in the fact that he paid \$50,000.00 from his own retirement funds. He has lost the admiration of his coworkers and most importantly his dignity. Even more than that, he has lost, to a degree, the respect of his children. While they support him and will continue to do so through this next stage in this case, they are still perplexed how a loving father can live almost a double life. This has proven to be difficult and trying. As Judge Fanco aptly stated in *United States vs. Braun*, 382 F.Supp.2d 214 (U.S.D.C., SD NY 1974) that:

‘The defendant has suffered enough already’ is a familiar refrain to sentencing judges, but the familiar is not necessarily contemptible. The refrain tells a true and moving story.

James comprehends and accepts that he may very well be sent to prison. It is respectfully submitted that to send James to prison would be excessive and not in accord with the crimes he has pleaded to. The crime that James has pled guilty to is definitely situational in nature and is extremely out of character in light of his entire life. It is highly doubtful that he will ever come before this or any court of law again. Therefore, it is strongly and most respectfully submitted that this court impose a sentence of community service, home incarceration or any alternative to imprisonment.

James is asking the Court for a sentence of probation. This would provide just punishment for the offense and allow him to prove to his wife and children that he can be a better man. The Defense requests that the Court not impose any fines in this matter due to the large amount of restitution already paid is. James is an excellent candidate for probation, a sentence of incarceration would be a hardship to his family and young adult children and such a sentence would be fair and not deprecate the seriousness of the crime

he has pled to. The defendant is requesting that if the Court finds that a sentence of imprisonment be ordered, that he be allowed to self-surrender and that the surrender date be set within 10 days of the sentencing hearing.

Respectfully submitted,

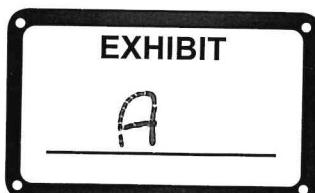
s/ Michael J. Levinsohn
s/Timothy M. Grace
Attorneys for the Defendant
311 W. Superior Street, Suite 215
Chicago, IL 60654/ 312-943-0600
mlevinsohn@dmdchicago.com
connorgrace@aol.com

To whom this may concern,

I, Catherine Sajdak, am writing to you on the behalf of my siblings and myself, regarding our dad, James Sajdak, in the hopes of him receiving the minimum sentence of probation as he is not a threat to the community or my family. There have been mistakes made by him in the past, but those are not ones that should define the man he is, or the dad he has been my entire life. My dad and I have a very special relationship. For as long as I can remember I am not only extremely protective over him, but I also feel like I understand him extremely well. Although I am protective, as he is to me, I never have hesitated to express my thoughts, feelings, or concerns to him when I have been hurt by him or anyone for that matter. My dad and I feel things very strongly, and I know that the entirety of this situation and the sadness and stress that has been placed upon us has given him enough guilt to last a lifetime, which would be no match for a harsher sentencing.

All my life, my dad has been someone I can count on. From running down the stairs at all hours of the night and sleeping alongside us when we were little because we had a bad dream, to helping us with school projects, car troubles, sending an encouraging text message, and even driving to my college at 5 in the morning when I needed him, my dad was and is always there. Anyone can attest to this in my family, that if you need anything my dad will do his best to be there and get it done. I often describe him to my friends, that although sometimes embarrassing as dads may be, he wants those around him to like him, and have a good time. He participates in our crazy antics, and never hesitates to make himself look ridiculous if that means one of his kids, nieces, or nephews will get a kick out of what he is doing. I genuinely believe it is his mission in life to make those around him happy, and he will drop absolutely everything to do that.

Growing up, and even now, anything I may have needed or wanted was given to me. This had a lot to do with the long hours and years my dad put into his job. Even after retiring, which should have been a time for him to be able to relax after a long career, he got a job at my brother's high school working in maintenance in order to support his family. I have four siblings, three of us attended private high schools, and one who participated in an all star sport. I mention this because I can only imagine how large these bills were coming in for many years. There was a point where I knew this was difficult for my parents. When choosing a high school I deferred to picking the cheaper option even though that is not what I wanted. After sulking around and being extremely depressed for over a year it was my parents together, but the hard work of my dad that allowed me to be able to make the switch over to the school of my choice. Although I constantly felt guilty about how I felt, and I didn't want to burden my parents, or make my dad work any harder, he never complained once. Instead, he would drive me and pick me up from school whenever he could. Attended mine and my siblings important events and moments, always cheering us along. This is only one example, but I can list a multitude of examples of the ways my dad has shown up for my family and I. Our family is the most important thing to him, and he is not and would never be a threat to those that so closely surround him.



Most of my dad's time nowadays is keeping our house in as much order as he can. Although some of the tasks may seem mundane, and a little ridiculous for him to be doing, especially now living in a house where his kids are adults, he will do it all. His days even include watching over our neighbors kids, who love him as if he is their grandpa. Watching my dad be in this role to these kids, gives me perspective into what my dad was like to us when we were too small to remember the things he would do for us. This may seem unimportant to mention, but to me this shows the type of man he is. He is a kind, gentle, caring, silly father, brother, uncle, and friend that anyone could possibly have, and is not a threat to my family, those around him or the community.

I could endlessly list the type of man my dad is and the good character my dad has, but it would be useless if I did not mention the impact this would have on my family and I. I rely on my father heavily, specifically on his presence in our home and in our lives, my family does as well. For a large part of my life, while my dad was working I had this constant anxiety that something would happen to him while on the job. This was clearly a very realistic fear for me to have, but at a young age I had no business staying up late on the days he worked nights listening for his arrival at home. Nobody could tell me anything that would put my mind at ease. Once he retired, that feeling went away. Within the last year or so, this feeling has returned, and has stayed with me. My biggest fear of my dad being taken away from me, and my family getting closer and closer into view. I desperately want this nightmare to be over, and for my family to finally have a moment of peace knowing that everything will be ok. I selfishly ask on behalf of us all that you consider and give my dad the minimum sentence, and let him off with probation as he is not a threat to our family or community.

If you have any further questions and need to contact me, I can be reached through email and phone. My email is csajdak30@gmail.com, and my phone number is (773)-544-3445.

Sincerely,
Catherine Sajdak

To whom it may concern,

My name is Jennifer Kouba and I am the sister in law of James Sajdak.

I am writing the letter to offer a fuller picture of James as a person.

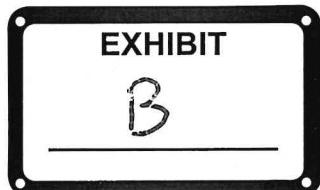
Jim has been a part of my family for over 30 years. I can tell you that Jim IS the following thing; such as dedicated father, friend, brother, uncle and loyal son and son in law.

He truly is a great person and always willing to help in any way. Jim has always been an easy-going guy, non-confrontational just an overall let's assess the situation and resolve it kind of guy.

Always the first to jump In and help no matter what the task is. I have watched him do what he needed to provide for my sister and his children over the years and to be honest he has done an outstanding job. They have never gone without. He even helped my family when we hit a hard time and was willing to do what he needed to help my family. Jim did this in a way where my husband and I didn't feel that we were and less of a parent then him and my sister were. With this a level of respect is given and will never be taken away from hi. We trust Jim and believe that is something to believe in.

So today I ask you to think of Jim Sajdak the dad the friend, brother he truly is an exceptional guy overall.

Sincerely,
Jennifer Kouba
708-983-9872



February 2, 2024

Your Honorable John J. Thorpe Jr,

I am writing you this letter to ask for your thoughtfulness and fairness towards my brother James Sajdak later this month. I am his older brother Gerald. Jim has been a loving and caring person his entire life. My family respect and love their uncle and want nothing more than to have this punishment stop and let him go on living his remaining time without this uncertainty and pain. He has in my opinion as has his family and children suffered a great deal already with his conviction that has been widely publicized in the press and by the media. He is a truly wonderful and a kind person that would give his life for his family. He is a devoted and caring father who has worked his entire life to be the best husband, and loving father. My brother has strived to make a good life for his family and for others he cares deeply about.

I realize he has done wrong, and my brother takes full responsibility for his actions. I do not see any benefit or good that would become of him being incarcerated and serve any prison time for his actions at this time. He has already suffered greatly and wants nothing more to be able to demonstrate his love and gratitude to his family who have stood behind him through this painful ordeal.

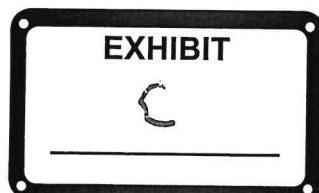
He has in my opinion served the city well as a respected police officer and as a promoted Sergeant for the Chicago Police Department. I love my brother and also respect him a great deal. He has fought hard to protect and maintain his dignity and maintain the love for his family. Please be compassionate toward my brother as he has suffered a great deal already and fear what any additional penalty and or any prison time could do to him. I know and believe in Gods will, and pray that you will take into account all the good my brother has done while serving as a police officer for the City of Chicago.

Please take into account all his years of dedicated service to the City and his love and admiration by his family and friends. I care about my brother and also his and his families well being. I love and respect my brother and will be there for him.

Sincerely,



Gerald T. Sajdak (older brother of James B. Sajdak)
13305 W. Long Run Court, Homer Glen IL 60491
708-525-6550



Dear Honorable Judge Tharp,

I am writing you this letter to ask for leniency in the sentencing of my younger brother, James Sajdak.

I ask that your sentence be merciful and take into consideration the emotional and financial hardship already endured.

These past few years I saw the anguish, pain, and hardship his family has experienced. Our immediate family, his CPD friends and other friends/relatives have all supported him. This speaks volumes about his character and how loved he is by everyone in his life.

His 30 years of service was nothing short of dedication and commitment. I will be forever grateful to him for all the people he served and protected. He was proud to be with CPD and give to our community.

We were taught to treat everyone we met with respect. To love one another as God so loved us. My brother was a police officer who always showed concern, pride, and willingness to the people in our city. I will always admire him for his dedication, especially as the city streets grew tougher.

Your honor please look over the 30 years that Jim served the CPD and gave his heart to being the best. I ask you to appoint him with community service and probation, rather than put him into an environment with offenders who are not supportive of the police. I believe that nothing good will come with a sentence of incarceration, but only negative.

Thank you, Judge Tharp, for your service to our justice system. God Bless you and your family. God Bless those who serve and protect our city each day.

Sincerely,

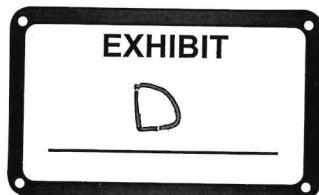


Linda Eckhorn

15606 Chapel Hill Road

Orland Park, IL

(708) 277-8424



February 3, 2024

Dear Honorable Judge Tharp,

I am writing to you today to request probation and community service when sentencing my brother, Jim Sajdak for this misdemeanor charge.

I am the youngest sibling of four. Jim and I have always had a strong relationship since we were closest in age. From the time Jim graduated high school, his only dream in life was to become a Chicago Police Officer. Back in those days, as you may remember, if your father or grandfather weren't on the force it was a tougher job to obtain. Jim persevered despite the challenges. He took the tests and waited until his name was called. It was the proudest day for my parents as this was a dream come true to serve our city.

Jim served for almost 30 years in one of the toughest districts in our great city. The west side of Chicago. Throughout those years he gave his whole heart to serve and protect while putting his own life on the line. He never requested a transfer when the going got tough. He stayed on the streets and served.

Jim is the father of four amazing children. Living in the city, he worked hard to put many of them through private high schools and college. Along with his wife Diane, they provided a home with strong values, love, and faith. Every ounce of Jim's energy was to provide for his children and wife. He sacrificed expensive vacations to put education first. As a result of his strong leadership, all his children followed the path with a career to serve others like their dad. Alyssa, his oldest, works with special need children. Catherine is a teacher at a Catholic school in Chicago, Ann Marie is getting her post-graduate degree to be a speech pathologist, and Charlie the youngest is on his path to be a fire fighter and serve our city, just like Jim.

I plead to you today for probation because I believe Jim has been serving consequences of his actions for the past few years. The scar of his name in the media, embarrassment for his children in the community, and financial hardship thus far. He's depleted his savings to fight for a reasonable sentence. He has spent the past few years repairing relationships with his family and proving his love for his family despite making a mistake.

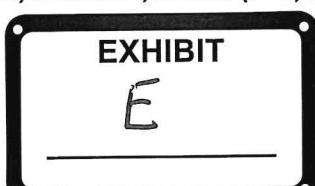
Jim is retired. He is healthy and has time to help others. Our city would benefit more from him giving time in the community than sitting in a federal prison. It also pains me to imagine the conditions he would experience with the hatred for police officers in our system. I fear for his safety if sentenced to serve time. The same person who dreamed about being a police officer 30+ years ago would be the immediate target of abuse.

Your honor, I ask for leniency when sentencing Jim. His wife, children, family and friends know and love the great man that he is. We stand by his side and support him. Please recognize that he will live forever with the pain he caused to his family.

Thank you for your consideration. God bless all our Chicago Police officers and everyone serving our city.

Sincerely,

Sharon Kitchell 845 Highland Road, Frankfort, Illinois (312) 560-0113



Report Date: 29-Nov-2023
Report Time: 13:41:29
Produced By: Information Services Division
Run By: PC0AD67

Chicago Police Department

Personnel Division



Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
SAJDAK, JAMES B	9171		011	376	41397

Achievements

Total No.

2004 CRIME REDUCTION RIBBON	1
2009 CRIME REDUCTION AWARD	1
2019 CRIME REDUCTION AWARD	1
ATTENDANCE RECOGNITION AWARD	4
COMPLIMENTARY LETTER	7
DEMOCRATIC NATIONAL CONVENTION AWARD	1
DEPARTMENT COMMENDATION	6
HONORABLE MENTION	124
NATO SUMMIT SERVICE AWARD	1
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
SPECIAL COMMENDATION	1
SUPERINTENDENT'S AWARD OF VALOR	1
TOTAL AWARDS	149

EXHIBIT

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